



City of Boston
Board of Appeal

Hearing Minutes

Tuesday, July 31, 2018

BOARD OF APPEALS

Room 801

Board Chairperson Araujo called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

EXTENSIONS: 9:30 a.m.

Case: BZC-32535 **Address:** 23 Upton Street, **Ward 3, Applicant:** Richard Campana

Votes: Upon a Motion and second, the Board voted unanimously to **APPROVE** the request for a one year extension.

Case: BOA-447559 **Address:** 117 St Botolph Street, **Ward 4, Applicant:** Tanya Capaldo

Votes: Upon a Motion and second, the Board voted unanimously to **APPROVE** the request for a one year extension.

BOARD FINAL ARBITER: 9:30 a.m.

Case: BOA-615910, **Address:** 55 West Fifth Street, **Ward 6, Applicant:** Marc LaCasse, Esq

Discussion: Chairperson Araujo expressed concerns regarding the scope of the proposed revisions (multiple additional residential units and an additional floor) and reminded the applicant that Board Final Arbiter requests are for minor changes to previously approved projects.

Votes: Upon a motion and a second, the Board voted to deny the applicant's request.

GCOD: 9:30 a.m.

Case: BOA-840590 **Address:** 142 Hemenway Street , **Ward 4 Applicant:** Mike Shearns

Article(s): 32(32-4)

Purpose: Amend Permit# ALT583918 Demo Facade from 4th Floor down to foundation, install new foundation wall and reconstruct masonry facade up to 5th Floor. Work will effect Floor 4, 3, 2, 1 and basement in additional to the originally permitted 5th Floor and Roof Scope. This is one of four

buildings. All work indicated on these drawings. Also see A820666/144, A820667/146, A820670/148.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating recharge system was installed in 2008 with BWSC approval.

Testimony: Christian Simonelli of the Boston Groundwater Trust confirmed that the BWSC reviewed and approved these plans in 2008 and that the recharge system has been installed.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-840593 **Address:** 144 Hemenway Street , **Ward 4 Applicant:** Mike Shearns
Article(s): 32(32-4)

Purpose: Amend Permit# ALT592376 Demo Facade from 4th Floor down to foundation, install new foundation wall and reconstruct masonry facade up to 5th Floor. Work will effect Floor 4, 3, 2, 1 and basement in additional to the originally permitted 5th Floor and Roof Scope. Bldg is currently unoccupied.see A820665/142 for drawings also see A820667/146 , A820670/148

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating recharge system was installed in 2008 with BWSC approval.

Testimony: Christian Simonelli of the Boston Groundwater Trust confirmed that the BWSC reviewed and approved these plans in 2008 and that the recharge system has been installed

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-840594 **Address:** 146 Hemenway Street , **Ward 4 Applicant:** Mike Shearns
Article(s): 32(32-4)

Purpose: Amend Permit# ALT592377 Demo Facade from 4th Floor down to foundation, install new foundation wall and reconstruct masonry facade up to 5th Floor. Work will effect Floor 4, 3, 2, 1 and basement in additional to the originally permitted 5th Floor and Roof Scope. Bldg is currently unoccupied. See A820665 for drawings, also see A820666/144, A820670/148

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating recharge system was installed in 2008 with BWSC approval.

Testimony: Christian Simonelli of the Boston Groundwater Trust confirmed that the BWSC reviewed and approved these plans in 2008 and that the recharge system has been installed

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-840595 **Address:** 148 Hemenway Street , **Ward 4 Applicant:** Mike Shearns

Article(s): 32(32-4)

Purpose: Amend Permit# ALT 592378 Demo Facade from 4th Floor down to foundation, install new foundation wall and reconstruct masonry facade up to 5th Floor. Work will effect Floor 4, 3, 2, 1 and basement in additional to the originally permitted 5th Floor and Roof Scope. Bldg is currently unoccupied. See A820665 142 for drawings ,also see A820666/144, A820667/146.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating recharge system was install in 2008 with BWSC approved.

Testimony: Christian Simonelli of the Boston Groundwater Trust confirmed that the BWSC reviewed and approved these plans in 2008 and that the recharge system has been installed

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-842198 **Address:** 142 Beacon Street , **Ward 5 Applicant:** Beacon Mainsail 4, LLC

Article(s): 32(32-6)

Purpose: Change Occupancy from a Six Family Dwelling to a Three Family Dwelling. Total gut and renovation with a new garage addition and bedroom and breakfast room addition addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating recharge system was installed in 2008 with BWSC approval.

Testimony: Christian Simonelli of the Boston Groundwater Trust testified that the BWSC reviewed and approved these plans.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-838415 **Address:** 212 Commonwealth Avenue , **Ward 5 Applicant:** Joseph Holland

Article(s): 32(32-4)

Purpose: Change of occupancy from 8 units to 2 units. Full gut remodel with penthouse addition and rear 1 story addition. Propose three (3) off-street parking.

Discussion: At the request of the applicant **this case has been deferred to 9/10/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

HEARINGS: 9:30 a.m.

Case: BOA-765159 **Address:** 139 Walter Street , **Ward 20 Applicant:** Nora Duclos
Article(s): 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-29.5)
69(69-29)

Purpose: Construct new 2-family town house dwelling per plans

Discussion: At the request of the applicant **this case has been deferred to 9/10/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-846653 **Address:** 162 Highland Street, **Ward 11, Applicant:** Evan Smith

Article(s): 50(50-29)

Purpose: Split Existing Parcel ID# 1100170000 into two lots as shown on plans.. Construct new single family on parcel with street frontage to be called 162 Highland. Other parcel to stay with current owner at 164 Highland Street.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to subdivide lot and construct a new single family.

Board Members inquired about access and discussed the shape of lot and frontage. Board members inquired about abutting lots. Board members asked if there will be an easement. The applicant stated yes.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-814670 **Address:** 174R Grampian Way , **Ward 13 Applicant:** Patrick Mahoney

Article(s): 09(9-1) 65(65-9; Floor Area Ration Excessive; Side Yard Insufficient; Rear Yard Insufficient)

Purpose: Construct new side dormer addition and extend living space. Full interior renovation.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to install 2nd floor side dormer and extend living space with interior renovations.

Board Members inquired about violations, required vs proposed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-840529 **Address:** 135 William T Morrissey BLVD , **Ward 13 Applicant:** 135 Morrissey Owner, LLC

Article(s): 25(25-5) 29(29-8) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15) 65(65-15)

Purpose: Renovation of the former 4 story Boston Globe building . Renovation will result in a code compliant, " Tenant Fit-out ready" (Mixed use) space. Projects also includes improvement to the existing outdoor parking and land escape. change occupancy from newspaper publishing, printing, shipping, storage and wireless communication facility to office, agency or professional office, research or development, product development or prototype manufacturing, laboratory, light manufacturing, restaurant, bar, bar with live entertainment, bakery, general retail business, local retail business, bank, automatic teller machine, fitness center or gymnasium, day care center, art gallery, art use, public assembly, conference center, arts studios, production studios, professional school, college or university, trade school, adult education center, community center, caterer's establishment, body art establishment, carpenters shop, machine shop, photographer's studio, parking lot, wholesale business, and wireless communication facility.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing renovations of Globe Building into mixed use with office tech, life science research, labs, restaurants, fitness center, shop, wholesale businesses, etc.

Board Members inquired about all of the uses being requested. Board members inquired about traffic study, occupancy study and parking capacity. Some of the members expressed concern regarding approving so many uses without tenants having been secured.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support, Councilor Baker, Councilor Flaherty, Councilor Essaabi George support. Columbia and Savin Hill Support. are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BRA, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-811438 **Address:** 271-273 Hancock Street , **Ward 15 Applicant:** Harold Raymond
Article(s): 65(65-8) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-41)

Purpose: Change of Occupancy from a Two Family Dwelling to a Four Family Dwelling. Remodel entire Building according to Engineered Plans. Construct a new Dormer / 4th Level onto existing Building. Building to be fully Sprinkled.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to change occupancy from 2 to 4 family and remodel entire building. Building heavily damaged and unoccupied following a fire.

Board Members discussed violations proposed vs required. Board Members inquired about egress basement and use. The applicant stated none.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support and Councilor Baker are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BRA, St. Fleur seconded and the Board voted unanimously to approve.

Case: BOA-768194 **Address:** 25 Richfield Street , **Ward 15 Applicant:** Russell Forsbery

Article(s): 65(65-8) 65(65-9) 65(65-9)

Purpose: Demolish existing dwelling and erect new three family dwelling. All work as per plans provided.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to demolish entire building to look like 23 Richfield previously approved by BOA.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support and Councilor Baker are in support.

Documents/Exhibits: Building Plans

Votes: Board Member St. Fleur moved for approval with BRA, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-793903 **Address:** 24 Arcadi Park , **Ward 15 Applicant:** Patrick Mahoney

Article(s): 09(9-1) 65(65-9) 65(65-9) 65(65-9) 65(65-9)

Purpose: Build addition to the existing 3 family building. Consolidate lots per the plans. Combine parcel ID 1501557000 and Parcel ID 1501556000. Add off street parking for four cars.

Discussion: At the request of the applicant **this case has been deferred to 10/30/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-827471 **Address:** 23 Lincoln Street , **Ward 16 Applicant:** Anthony Hines

Article(s): 65(65-8)

Purpose: Storing camper/bus in driveway 24 ft X 8 ft.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing store motor home camper on driveway.

Board Members asked how often will it used and will it be parked. The applicant stated generator inside camper.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support and Councilor Baker are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved to Deny, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-827166 **Address:** 466-476 River Street , **Ward 18 Applicant:** Julie Creamer

Article(s): 60(60-16) 60(60-16) 60(60-16) 60(60-16) 60(60-17)

Purpose: Mattapan Station Redevelopment - New Construction of a 6 story, Mixed-Use Building. On the Ground Level there will be a 10,000 sq ft Retail / Commercial space, Amenity spaces (Fitness Center, Package Room, Rental Office), Residential Use, and a Community Room. On the Upper Floors will be all Residential Uses with Amenity Laundry Room. There will be an Accessory Parking Garage located beneath Building, and a surface Parking Lot to be operated by the MBTA for Commuter Parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to construct a new 6 story mixed use building 10,000 sf retail commercial space at the ground level with amenity space and a common room and garage beneath building. Architect presented plans to BOA

Board Members inquired about breakdown of unit sizes. Board members asked if rental or homeownership. The applicant stated rental and discussed violations; required vs proposed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support, Councilor McCarthy, Councilor Flaherty, Councilor Essabi-George are in support. Several abutters support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BRA, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-835790 **Address:** 57 Hemman Street , **Ward 18 Applicant:** Scott Johnson

Article(s): 67(67-9) 67(67-9) 67(67-9)

Purpose: To be filed in conjunction with ERT803437-59 Hemman Street, two buildings on one lot. No work to be done on this permit.

Discussion: At the request of the applicant **this case has been deferred to 9/11/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-821722 **Address:** 59 Hemman Street , **Ward** 18 **Applicant:** Scott Johnson
Article(s): 67(67-8) 67(67-9) 67(67-9) 67(67-9) 67(67-9) 67(67-9) 67(67-33)

Purpose: Refile abandoned ERT617609 reviewed by FD. Erect a new 2 family on same lot as existing 3 family. Permit set to be submitted upon ZBA approval. ERT617609- (7/27/16)

Discussion: At the request of the applicant **this case has been deferred to 9/11/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-833201 **Address:** 97 Brown Avenue , **Ward** 19 **Applicant:** Gary Dellapaolera
Article(s): 9(9-1)

Purpose: Framing rear decks framing and finish. Install sill sealer, install sill plates, install 2x6 exterior walls, install headers, install posts, install LVL Beams, install clips, hangers and connectors for out work, install rough framing interior stairs, install interior partitions, install subfloor infills, install window framing, install windows, install Exterior doors, install dormer framing (@) , install roof framing per plans structural. *Full gut rehab of three family with new decks, stair egress and dormers per plan submitted (COSTS LOW)

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing a gut rehab of a 3 family new decks, stairs and dormers.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support and Councilor McCarthy are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval, St. Fleur seconded and the Board voted unanimously to approve.

Case: BOA-832054 **Address:** 870 South Street , **Ward** 20 **Applicant:** Michael J. Himes
Article(s): 67(67-9.1) 67(67-9.1) 69(69-29) 69(69-8)

Purpose: Change of occupancy from two family to three family some construction work elec, plmbg work to be performed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing change occupancy from a 2 to a 3 family. The 3rd unit in attic, existing dormer, new unit is a 2 bed room.

Board Members inquired about parking. The applicant stated 3 spaces, with 2 curb cuts are on each side.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support and Councilor McCarthy are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-812982 **Address:** 1735 Centre Street , **Ward 20 Applicant:** Albert Zouranjian
Article(s): 56(56-39)

Purpose: Increase Capacity from 49 to 99 persons Himalayan Bistro.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to increase capacity at Himalayan Bistro. In operation for 12 years, 49 seats changing to 99 seats.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support, Councilor O'Malley, Councilor Essabi-George and Councilor Flaherty are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval, Galvin seconded and the Board voted unanimously to approve.

Case: BOA-843477 **Address:** 1550 Soldiers Field Road , **Ward 22 Applicant:** Dinosaur 1550 LLC

Article(s): 51(51-16) 51(51-17) (51-17) (51-17) 29(29-4)

Purpose: Erect new 211-unit Multi-Family Building. Propose 149 parking spaces with stackers in garage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to construct new 211 rental unit building with 149 parking spaces. Access to site from Soldiers Field Place.

Board Members inquired about sizes and breakdown of units. Conditional Use standards discussed extensively then Article 80.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support, Councilor Ciommo, Councilor Flaherty are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BRA, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-843479 **Address:** 21 Soldiers Field Place , **Ward** 22 **Applicant:** Dinosaur 1550 LLC
Article(s): 51(51-16) 51(51-17) 51(51-17) 51(51-17) 29(29-4)
Purpose: Erect new 38-Unit Multi-Family Building. Propose 27 parking spaces with stackers garage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to construct new 38 homeownership deed restricted 1 unit residential building with 27 parking spaces. Access to site from Soldiers Field Place.

Board Members inquired about sizes and breakdown of units. Conditional Use standards discussed extensively then Article 80. Discussion regarding the site, location and features.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services support, Councilor Cuommo, Councilor Flaherty are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BRA, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-849737 **Address:** 37 Cedar Grove Street , **Ward** 16 **Applicant:** Stacie McCarthy
Article(s): 65(65-9) 65(65-9) 65(65-9) 65(65-9)
Purpose: Add new third floor, replace deck, renovated existing 2nd floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to construct a new third floor, replace deck, renovated existing 2nd floor.

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BRA, Fortune seconded and the Board voted unanimously to approve.

HEARINGS: 10:30 a.m.

Case: BOA-735387 **Address:** 152-154 Liverpool Street , **Ward** 1 **Applicant:** Liverpool One-Fifty Two, LLC
Article(s): 25(25-5) 53(53-12) 53(53-12) 53(53-12) 53(53-12) 53(53-56) 53(53-56)
Purpose: Erect a mixed-use building with 25 residential units and 1 retail space with parking for 9 vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in

detail proposing to construct a mixed use building with 23 unit (reduced from 25 article 80) and 1 retail with parking for 9 vehicles, elimination of existing industrial use.

Board Members inquired about break down of units and sizes Board members asked if units are for sale or rental. The applicant stated rental.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service, Councilor Edwards, Essabi George and are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BRA, St. Fleur seconded and the Board voted unanimously to approve.

Case: BOA-810158 **Address:** 25 Everett Street , **Ward 1 Applicant:** William Moriarty

Article(s): 10(10-1) 53(53-8) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9)

53(53-57.2) 53(53-56.5(a)) 53(53-56) 53(53-54)

Purpose: Demolish existing single family home at 25 Everett St and garage in rear at 3 Emmet Pl - Combine front lot with rear lot to create one lot and build a 4 story 8 residential unit building with 6 two bedroom units and 2 one bedroom units. *Single family to be razed on a separate permit.

Discussion: At the request of the applicant **this case has been deferred to 9/25/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-814494 **Address:** 4 Union Park , **Ward 3 Applicant:** Jeffrey Klug

Article(s): 64(64-9)

Purpose: Extend Garage.

Discussion: At the request of the applicant **this case has been deferred to 8/23/2018 @ 5:00.**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-829196 **Address:** 37 Merrimac Street , **Ward 3 Applicant:** David Sokol

Article(s): 6(6-3)

Purpose: Parking for 75 vehicles extend the provisio.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to extend provisio for open air parking, expires today, 75 parking spaces.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval Fortune seconded and the Board voted unanimously to approve.

Case: BOA-828697 **Address:** 1-1A State Street , **Ward 3 Applicant:** Matthew Love

Article(s): 06(6-4)

Purpose: Remove Proviso for takeout from previous owner and change to new owner's name. Work to include replacement of some kitchen equipment, new finishes, and minor reconfiguration of spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to remove proviso for take out for The Well Coffee House, under new ownership. No reconfiguration of space at all.

Board Members asked if the applicant had experience. The applicant stated yes, location in South Station

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval Fortune seconded and the Board voted unanimously to approve.

Case: BOA-785907 **Address:** 193 West Brookline Street , **Ward 4 Applicant:** West Brookline Street Realty Trust

Article(s): 64(64-9)

Purpose: Amendment to ALT719986. New masonry opening and window at garden level New rear bay addition on second and third floors New roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing new masonry opening and window at garden level and new rear bay addition on second and third floors.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval Fortune seconded and the Board voted unanimously to approve.

Case: BOA#785909 **Address:** 193 West Brookline Street , **Ward 4 Applicant:** West Brookline Street Realty Trust

Purpose: Amendment to ALT719986. New masonry opening and window at garden level New rear bay addition on second and third floors New roof deck. SECTION: 780CMR, 8th Edition 1009.13. Roof Access –Access to occupied roof of buildings four stories or more shall be through a penthouse

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing new masonry opening and window at garden level and new rear bay addition on second and third floors.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval Fortune seconded and the Board voted unanimously to approve.

Case: BOA-808923 **Address:** 28 Claremont Park , **Ward 4 Applicant:** Mike Parini

Article(s): 64(64-9)

Purpose: Add new steel balcony to rear of existing first floor single family home.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to construct rear balcony.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval Fortune seconded and the Board voted unanimously to approve.

Case: BOA-835066 **Address:** 53 Marlborough Street , **Ward 5 Applicant:** Chris Stern McCafferty

Article(s): 20(20-1)

Purpose: Remove existing exterior wood staircase in courtyard. Remove existing concrete slab in courtyard. Construct new wood staircase to match existing. Construct new wood platform and fence to match existing fences.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to construct new staircase and fence.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval Erlich seconded and the Board voted unanimously to approve.

Case: BOA-837426 **Address:** 4 Joy Street , **Ward 5 Applicant:** Joe Holland

Article(s): 15(15-1)

Purpose: Add third floor at existing rear ell, replace floor between 4th and 5th floors, add second dormer at roof. Cost of work included in amendment application reflected in permit fee paid on ALT784443.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to add 3rd floor at rear and add 2nd dormer to an existing 3 family dwelling. FAR not changing just relocation FAR.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval Fortune seconded and the Board voted unanimously to approve.

Case: BOA-827054 **Address:** 623-625 Dorchester Avenue , **Ward 7 Applicant:** Michael Welsh

Article(s): 14(14-2) 15(15-1) 17(17-1) 23(23-1) 16(16-1)

Purpose: Change occupancy from one family dwelling and store (LF 2765/2000) to two-family dwelling. This is an existing condition. Current owner purchased the property on 12/5/2014 and it was used as a two-family dwelling in its current configuration at that time and has remained the same since.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to change occupancy from a 1 family to a 2 family. This is an existing condition.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval Fortune seconded and the Board voted unanimously to approve.

Case: BOA-830943 **Address:** 1596 Columbia Road , **Ward 7 Applicant:** Paul & Marybeth Finn
Article(s): 29(29-4) 68(68-29) 68(68-8) 68(68-33)

Purpose: Renovate existing 3 family house, extend living space into basement and add a new roof deck as per plans. Construction set to be submitted upon ZBA approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to renovate 3 family and extend living space into basemen add roof deck. Applicant disagrees with some violations.

Board Members discussed violations proposed vs required. Board Members asked how is roof deck accessed. The applicant stated hatch exclusive to top unit.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood, Councilor Flaherty and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval Fortune seconded and the Board voted unanimously to approve.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-820986, **Address:** 217 Commonwealth Avenue , **Ward 5 Applicant:** Patrick Mahoney
Article(s): 9(9-1) 13(13-13-1: Excessive floor area ratio, Insufficient side yard & Insufficient rear yard) 32(32-4) **Purpose:** Application to renovate existing private club; proposed renovation is exclusively for private use for its members.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to renovation of private club that has existed for 100 years. Increase guest rooms from 6 to 10, 1300 sf. roof deck. Roof hours proposed from 10:30 weekdays to 11:30 weekends. BW&SC letter received.

Board members discussed violations proposed vs. required.. Applicants main concern from neighbors is the sound and noise. Sound engineer identified issue to mitigate and resolve. Sound technicians described process and findings. Board members inquire about capacity. Current capacity is 775 applicant is proposing 950.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood are in support. Several abutters support and several abutters opposed. NABB opposed and Councilor

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval Galvin seconded and the Board voted unanimously to approve.

Case: BOA-819529 **Address:** 48-62 Brookline Avenue , **Ward 5 Applicant:** City Wide Contracting LLC

Article(s): 32(32-4)

Purpose: Build out Retail store with new entryway at street level.

Discussion: At the request of the applicant **this case has been deferred to 9/25/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-823392 **Address:** 87 Bolton Street, **Ward 6 Applicant:** Dorglas Stefanov

Article(s): 27S(27S-5S) 68(68-8: Lot width requirement: insufficient, Lot frontage requirement: insufficient, Front yard requirement: insufficient & Rear yard requirement: insufficient) 68(68-33)

Purpose: Erect new 3-story single-family residence with garage parking.

Discussion: At the request of the applicant **this case has been Withdrawn/DWOP**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-837308, **Address:** 131hf West Third Street **Ward:** 6 , **Applicant:** Neil Gulden

Article(s): 57(57-22) 57(57-9: Height requirement is excessive & Required side yard setback is insufficient)

Purpose: Amendment to issue permit ALT646208 reviewed and approved by MJ to provide for a Roof Deck as approved by ZBA and BPDA. Cost reflected on issued permit ALT646208.

Case: BOA-824614 **Address:** 1400 Columbia Road, **Ward 7 Applicant:** Dorgan Realty Trust

Article(s): 27S(27S-5) 68(68-8) 68(68-29) 68(68-34.2) 29(29-4)

Purpose: Demolish existing structure. Erect new four (4) residential unit building with seven (7) parking garage spaces, exterior balconies, and roof decks.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to construct new 4 unit residential building, with 7 parking spaces exterior balconies and roof decks.

Board Members discussed violations proposed vs required.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood, Councilor Flaherty and Councilor Flynn and Councilor Essabi-George are opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for deny and Pisani seconded and the Board voted unanimously to Deny.

Case: BOA-765176 **Address:** 76-80 Neponset Avenue , **Ward** 16 **Applicant:** Patrick Mahoney
Article(s): 09(9-1)Reconstruction/Extension of Nonconforming Bldg 65(65-9) Dimensional
Regulations 65(65-39)Screening & Buffering Req 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9)
65(65-9)

Purpose: Proposed addition to existing warehouse as per plans. Construction set to be submitted upon ZBA approval. See ALTs, alt734188 and alt734197 to combine 4 parcels 1600356000 (86 and 90 Neponset Avenue, 2 houses and garage), 1600328000, 1600358000 (78-80 Neponset Ave, warehouse), and 1600357000 for a total of 51,124 +-sf. Then re-subdivide into 2 lots, one to be 44,923 +- sf for 76-80 Neponset Ave. and the other to be 6201 +- sf for 90 Neponset Ave. Existing house and garage at 86 Neponset Ave to be razed for the proposed warehouse addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to propose and addition to existing warehouse. Consolidation of 4 lots. Razing existing occupied structure to build addition. Applicant does not agreed with some of the violations.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood are in support. One abutter opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BRA for screening and buffering, Erlich i seconded and the Board voted unanimously to Deny.

Case: BOA-765173 **Address:** 90 Neponset Avenue , **Ward** 16 **Applicant:** Patrick Mahoney
Article(s): 09(9-1)Reconstruction/Extension of Nonconforming Bldg 65(65-9) Dimensional
Regulations 65(65-39)Screening & Buffering Req 65(65-41)Off-Street Parking & Loading Req.
Purpose: Combine 4 parcels 1600356000 (86 and 90 Neponset Ave, 2 houses and garage),
1600328000, 1600358000 (78-80 Neponset Avenue, Warehouse) and 1600357000 for a total of
51124+- sf. Then re-subdivide in 2 lots, one to 44,923+- sf for 78-80 Neponset warehouse and other
to be 6201+-sf for 90 Neponset Avenue. See alt734188 to combine/subdivide and alt for the
proposed warehouse addition. also See ALT734632 (Addition)

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail to build an addition to existing warehouse. Consolidation of 4 lots. Razing existing occupied structure to build addition. Applicant does not agree with some of the cited violations.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood are in support. One abutter opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BRA for screening and buffering, Erlich seconded and the Board voted unanimously to Deny.

Case: BOA-833400, **Address:** 23-25 Chestnut Square **Ward:** 19 , **Applicant:** Wim Dekok
Article(s): 10(10-1) 55(55-40) 55(55-8)
Purpose: Off-Street Parking for 1 Car to be used by 19 - 21 Chestnut Square.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating off street parking for 1 car to be used by 19-21 Chestnut Square.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BRA for screening and buffering, Erlich seconded and the Board voted unanimously to Deny.

RECOMMENDATIONS:

(The Zoning Advisory Subcommittee held hearings for the following cases on July 19, 2018. Board Secretary Mark Fortune reported the Subcommittee's recommendations from these hearings to the Board.)

Case: BOA-831277, **Address:** 235 Main Street **Ward:** 2 , **Applicant:** Martha McLoughlin
Article(s): 9(9-1)
Purpose: Finish existing basement, Add new basement bulked door, install 1st floor sliding door in place of kitchen window. Modify rear deck.

Discussion/Vote: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-836113, **Address:** 40 Sullivan Street **Ward:** 2 , **Applicant:** Sean McCabe
Article(s): 62(62-8)
Purpose: Extend living space to existing single-family dwelling. Excavate basement to insulate slab and new ceiling height. Add new French door and bathroom. ZBA.

Case: BOA-835354, **Address:** 1 Nashua Street **Ward:** 3 , **Applicant:** Swissbakers, Inc
Article(s): 39(39-12)
Purpose: Change of occupancy to add Bakery with take out to existing occupancy in existing tenant space. Bakery consists of new bathroom, Kitchen area, and Cookline, and sitting area.

Case: BOA-843335, **Address:** 42 Chestnut Street **Ward:** 5 , **Applicant:** Katherine O'Keefe
Article(s): 10(10-1)

Purpose: Parking for 2 vehicles.

Case: BOA-822182, **Address:** 300-300C Centre Street **Ward:** 10, **Applicant:** Golden Rice Bowl, Inc

Article(s): 6(6-4)

Purpose: Remove the proviso "Take-out use granted to this petitioner only Hartalambos Kosmidis & Young Kong Restaurant, for this use only" to reflect the change of ownership from Lidan Pan to Golden Rice Bowl, Inc. (Change of owner only, no work).

Case: BOA-843578, **Address:** 128-136 South Street **Ward:** 11 , **Applicant:** JFR Fernandez, Inc

Article(s): 55(55-16: Take out restaurant forbidden & Liquor store conditional)

Purpose: Re-Inforce Column and Install new floors. Repoint Brick, Change occupancy to retail store with liquor sales and take out restaurant.

Discussion: At the request of the applicant **this case has been deferred to 9/11/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-833370, **Address:** 112-120 Savin Hill Avenue **Ward:** 13 , **Applicant:** Savin Hill Properties LLC

Article(s): 65(65-15)

Purpose: Change Occupancy from Restaurant, 14 Residential Units, Commercial Space, to Restaurant, 14 Residential Units, and Restaurant.

Case: BOA-824726, **Address:** 41 Glide Street **Ward:** 16 , **Applicant:** Patrick Keady

Article(s): 65(65-9)

Purpose: Adding family room and bathroom to back of existing home.

Case: BOA-828722, **Address:** 3 Pond Street **Ward:** 3 , **Applicant:** Luis Acosta

Article(s): 9(9-1)

Purpose: Above ground swimming pool.

Case: BOA-821198, **Address:** 25 Alaric Street **Ward:** 20 , **Applicant:** Michael Napier

Article(s): 56(56-8)

Purpose: Install shed dormer.

Case: BOA-822096, **Address:** 3 Mendum Street **Ward:** 20 , **Applicant:** Jeffrey Dugan

Article(s): 67(67-32)

Purpose: Proposed one (1) off-street parking.

Case: BOA-830909, **Address:** 61 Newburg Street **Ward:** 20 , **Applicant:** Charles Doherty

Article(s): 67(67-9: Side yard insufficient & Rear yard insufficient)

Purpose: Build new rear deck and egress stair.

(After presentation of the Zoning Advisory Subcommittee Recommendations, a board member moved to accept the Subcommittee's recommendations, a member seconded the motion and the Board voted unanimously to accept the recommendations.)

**STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775**

BOARD MEMBERS Present:
CHRISTINE ARAUJO- CHAIR ABSENT
MARK FORTUNE-SECRETARY
MARIE ST. FLEUR
BRUCE BICKERSTAFF
MARK ERLICH-ACTING CHAIR
ANTHONY PISANI
CRAIG GALVIN-ABSENT

SUBSTITUTE MEMBERS: KERRY WALSH-LOGUE, EUGENE KELLY

**For a video recording of Board of Appeal Hearings please go to:
https://www.cityofboston.gov/cable/video_library.asp**

**For the complete text of the Boston Zoning Code Articles and definitions of terms in this
agenda, please go to https://www.municode.com/library/ma/boston/codes/redevelopment_authority**